

**Executive Summary – Enforcement Matter – Case No. 45200**  
**Skidmore Water Supply Corporation**  
**RN102342201**  
**Docket No. 2012-2078-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Skidmore Water Supply Corporation, located approximately 1,000 feet north of the end of Black Ranch Road and approximately 4,500 feet east and 4,200 feet north of the intersection of Farm-to-Market Road 797 and U.S. Route 181, Bee County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 8, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,375

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$735

**Total Due to General Revenue:** \$5,640

Payment Plan: 15 payments of \$376 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 45200  
Skidmore Water Supply Corporation  
RN102342201  
Docket No. 2012-2078-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** September 25, 2012  
**Date(s) of NOE(s):** October 5, 2012

***Violation Information***

Failed to comply with permitted effluent limits for ammonia nitrogen ("NH<sub>3</sub>-N") and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014112001, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. By January 31, 2012:
  - i. Began daily process control monitoring of NH<sub>3</sub>-N levels at the Facility and in the Facility's collection system;
  - ii. Initiated a standard operating procedure for preventing future effluent exceedences at the Facility if excessive NH<sub>3</sub>-N levels are noted in the collection system; and
- b. By October 31, 2012, returned to compliance with permitted effluent limits.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 45200**  
**Skidmore Water Supply Corporation**  
**RN102342201**  
**Docket No. 2012-2078-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Christopher Bost, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-4575; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Keith Petrus, President, Skidmore Water Supply Corporation, P.O. Box  
290, Skidmore, Texas 78389

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	8-Oct-2012	<b>Screening</b>	11-Oct-2012	<b>EPA Due</b>	
	<b>PCW</b>	9-Jan-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Skidmore Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN102342201		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45200	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-2078-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christopher Bost
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,750</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	<b>80.0%</b>	<b>Enhancement</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$3,000</b>
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**Notes** Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, one order with denial of liability, and one order without denial of liability.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$375</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$501  
Approx. Cost of Compliance \$10,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$6,375</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	<b>\$6,375</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,375</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$6,375</b>
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Screening Date 11-Oct-2012

Docket No. 2012-2078-MWD-E

PCW

Respondent Skidmore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 45200

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102342201

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for six months of self-reported effluent violations, one NOV with same/similar violations, one order with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 80%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 80%

Screening Date 11-Oct-2012

Docket No. 2012-2078-MWD-E

PCW

Respondent Skidmore Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 45200

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102342201

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014112001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on September 25, 2012 and shown in the attached table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 3

183 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$375

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X

(mark with x)

Notes

By October 31, 2012, the Respondent returned to compliance with permitted effluent limits.

Violation Subtotal \$3,375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$501

Violation Final Penalty Total \$6,375

This violation Final Assessed Penalty (adjusted for limits) \$6,375

# Economic Benefit Worksheet

**Respondent** Skidmore Water Supply Corporation

**Case ID No.** 45200

**Reg. Ent. Reference No.** RN102342201

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2011	31-Oct-2012	1.00	\$501	\$501

**Notes for DELAYED costs**

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$501



<b>EFFLUENT VIOLATION TABLE</b>				
<b>Skidmore Water Supply Corporation</b>				
<b>TPDES Permit No. WQ0014112001</b>				
<b>Docket No. 2012-2078-MWD-E</b>				
<b>Months</b>	<b>NH<sub>3</sub>-N Daily Average Concentration</b>	<b>NH<sub>3</sub>-N Single Grab Concentration</b>	<b>TSS Daily Average Concentration</b>	<b>TSS Single Grab Sample Concentration</b>
	<b>Limit = 3.0 mg/L</b>	<b>Limit = 15.0 mg/L</b>	<b>Limit = 15.0 mg/L</b>	<b>Limit = 60.0 mg/L</b>
October 2011	c	c	25.75	74
December 2011	4.08	c	c	c
January 2012	3.83	c	c	c
February 2012	4.87	18.35	17.75	c
March 2012	3.54	c	c	c
April 2012	c	c	16.25	c

c = compliant

mg/L = milligrams per liter

TSS = total suspended solids

NH<sub>3</sub>-N = ammonia-nitrogen





# Compliance History Report

**PENDING** Compliance History Report for CN601234636, RN102342201, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601234636, Skidmore Water Supply Corporation	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 14.29
<b>Regulated Entity:</b>	RN102342201, SKIDMORE WATER SUPPLY CORPORATION	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 14.29
<b>Complexity Points:</b>	7	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	08 - Sewage Treatment Facilities		
<b>Location:</b>	Located approximately 1,000 feet north of the end of Black Ranch Road and approximately 4,500 feet east and 4,200 feet north of the intersection of Farm-to-Market Road 797 and U.S. Route 181 in Bee County, Texas 78389		
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI		
<b>ID Number(s):</b>			
<b>WASTEWATER PERMIT</b> WQ0014112001	<b>WASTEWATER</b> EPA ID TX0119407		
<b>UTILITIES</b> REGISTRATION 12996			
<b>Compliance History Period:</b>	September 01, 2007 to August 31, 2012	<b>Rating Year:</b> 2012	<b>Rating Date:</b> 09/01/2012
<b>Date Compliance History Report Prepared:</b>	October 18, 2012		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	October 09, 2007 to October 09, 2012		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Christopher Bost	<b>Phone</b>	(512) 239-4575

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If YES for #2, who is the current owner/operator?   | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)?                                     | N/A |
| 5) If YES, when did the change(s) in owner or operator occur?                                      | N/A |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- |   |  |   |
|---|--|---|
| 1 | Effective Date: 10/04/2009   | ADMINORDER 2009-0694-MWD-E (1660 Order) |
|   | Classification: Moderate   |   |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  |   |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)  |   |
|   | Rqmt Prov: Effluent Limits PERMIT  |   |
|   | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.                  |   |
|   | Classification: Moderate   |   |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)   |   |
|   | Rqmt Prov: Sludge Reporting Requirements PERMIT  |   |
|   | Description: Failure to submit sludge monitoring results at the intervals specified in the permit as documented by a TCEQ record review. |   |

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits for ammonia nitrogen and total suspended solids as documented by a TCEQ record review of self-reported data.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Effluent Reporting Requirements PERMIT

Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 06, 2007	(631727)
Item 2	December 07, 2007	(631729)
Item 3	January 09, 2008	(631731)
Item 4	February 07, 2008	(677385)
Item 5	March 05, 2008	(677386)
Item 6	April 09, 2008	(677387)
Item 7	May 12, 2008	(696086)
Item 8	June 06, 2008	(696087)
Item 9	July 03, 2008	(696088)
Item 10	August 08, 2008	(717735)
Item 11	September 25, 2008	(717736)
Item 12	October 08, 2008	(717737)
Item 13	November 13, 2008	(733060)
Item 14	February 06, 2009	(756229)
Item 15	February 24, 2009	(735935)
Item 16	March 09, 2009	(756230)
Item 17	April 09, 2009	(756231)
Item 18	May 06, 2009	(773208)
Item 19	May 22, 2009	(744425)
Item 20	June 10, 2009	(773209)
Item 21	July 22, 2009	(930589)
Item 22	September 10, 2009	(930591)
Item 23	October 06, 2009	(930592)
Item 24	October 08, 2009	(930590)
Item 25	November 11, 2009	(930593)
Item 26	December 18, 2009	(930594)
Item 27	January 19, 2010	(930595)
Item 28	February 17, 2010	(930585)
Item 29	February 19, 2010	(791584)
Item 30	March 15, 2010	(930586)
Item 31	May 19, 2010	(836180)
Item 32	June 14, 2010	(847902)
Item 33	July 19, 2010	(862316)
Item 34	August 16, 2010	(868928)

**Pending** Compliance History Report for CN601234636, RN102342201, Rating Year 2012 which includes Compliance History (CH) components from October 09, 2007, through October 09, 2012.

Item 35	February 20, 2011	(910904)
Item 36	April 19, 2011	(930588)
Item 37	May 11, 2011	(939883)
Item 38	July 20, 2011	(954555)
Item 39	September 20, 2011	(967228)
Item 40	September 27, 2011	(961136)
Item 41	October 14, 2011	(973191)
Item 42	December 20, 2011	(986158)
Item 43	June 20, 2012	(1026041)
Item 44	July 20, 2012	(1033404)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 10/31/2011 (979327)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 12/31/2011 (992523)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 01/31/2012 (999833)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 02/29/2012 (1005375)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 03/31/2012 (1011948)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 04/30/2012 (1018319)	CN601234636	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
7	Date: 09/05/2012 (1022026)	CN601234636	
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Mon. Req. No. 2 PERMIT		
	Description: Failed to comply with the effluent limitations.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Mon. Req. No. 1 PERMIT		

**Pending** Compliance History Report for CN601234636, RN102342201, Rating Year 2012 which includes Compliance History (CH) components from October 09, 2007, through October 09, 2012.

Description:	Failed to comply with the effluent limitations.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Rep. Req. No. 7(c) PERMIT	
Description:	Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Provision Section II(F) PERMIT	
Description:	Failed to report annually to the TCEQ Regional Office (MC Region 14) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year items 1-17 listed on pages 19-20 of permit.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.5(e) Monitoring and Rep. Req. No. 4 PERMIT	
Description:	Failed to indicate the increased frequency of sampling on the self-report form.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Rep. Req. No. 3(c) PERMIT	
Description:	Failed to maintain records of monitoring activities.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Req. No. 1 PERMIT	
Description:	Failed to maintain process control, maintenance, and operations records.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(c) Monitoring and Rep. Req. No. 2 PERMIT	
Description:	Failed to analyze effluents according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Req. No. 1 PERMIT	
Description:	Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

Pending Compliance History Report for CN601234636, RN102342201, Rating Year 2012 which includes Compliance History (CH) components from October 09, 2007, through October 09, 2012.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SKIDMORE WATER SUPPLY  
CORPORATION  
RN102342201**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-2078-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Skidmore Water Supply Corporation (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment plant located approximately 1,000 feet north of the end of Black Ranch Road and approximately 4,500 feet east and 4,200 feet north of the intersection of Farm-to-Market Road 797 and United States Route 181 in Bee County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on September 25, 2012, TCEQ staff documented exceedences of the permitted effluent limits as shown in the following table:

<b>EFFLUENT VIOLATION TABLE</b>				
<b>Months</b>	<b>NH<sub>3</sub>-N Daily Average Concentration</b>	<b>NH<sub>3</sub>-N Single Grab Concentration</b>	<b>TSS Daily Average Concentration</b>	<b>TSS Single Grab Sample Concentration</b>
	<b>Limit = 3.0 mg/L</b>	<b>Limit = 15.0 mg/L</b>	<b>Limit = 15.0 mg/L</b>	<b>Limit = 60.0 mg/L</b>
October 2011	c	c	25.75	74
December 2011	4.08	c	c	c
January 2012	3.83	c	c	c
February 2012	4.87	18.35	17.75	c
March 2012	3.54	c	c	c
April 2012	c	c	16.25	c

c = compliant

mg/L = milligrams per liter

TSS = total suspended solids

NH<sub>3</sub>-N = ammonia-nitrogen

4. The Respondent received notice of the violations on October 10, 2012.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By January 31, 2012:
    - i. Began daily process control monitoring of NH<sub>3</sub>-N levels at the Facility and in the Facility's collection system;



- ii. Initiated a standard operating procedure for preventing future effluent exceedences at the Facility if excessive NH<sub>3</sub>-N levels are noted in the collection system; and
- b. By October 31, 2012, returned to compliance with permitted effluent limits.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014112001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Six Thousand Three Hundred Seventy-Five Dollars (\$6,375) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Seven Hundred Thirty-Five Dollars (\$735) of the administrative penalty. The remaining amount of Five Thousand Six Hundred Forty Dollars (\$5,640) of the administrative penalty shall be payable in 15 monthly payments of Three Hundred Seventy-Six Dollars (\$376) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand Three Hundred Seventy-Five Dollars (\$6,375) as set forth in Section II, Paragraph 4

above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Skidmore Water Supply Corporation, Docket No. 2012-2078-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

3/14/13  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Skidmore Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Skidmore Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Skidmore Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

1/31/13  
Date

Keith Petras  
Name (Printed or typed)  
Authorized Representative of  
Skidmore Water Supply Corporation

President, SWSC  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.